

Introduced by Senator De León
(Coauthor: Assembly Member Atkins)

February 26, 2015

An act to add Article 19.5 (commencing with Section 8430) to Chapter 2 of Part 6 of Division 1 of Title 1 to the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 548, as introduced, De León. Child care: family child care providers: bargaining representatives.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of family day care homes by the State Department of Social Services. Existing law, the Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age, including, among others, resource and referral programs, alternative payment programs, and family child care home education networks.

This bill would authorize family child care providers, as defined, to form, join, and participate in the activities of provider organizations, as defined, and to seek the certification of a provider organization to act as the exclusive representative for family child care providers on matters related to state-funded child care programs pursuant to a petition and election process overseen by the Public Employment Relations Board or a neutral 3rd party designated by the board.

The bill would require the State Department of Social Services and the State Department of Education, with the assistance of specified state departments and agencies, and their contractors and subcontractors, to

make specified information regarding family child care providers available to provider organizations, and would require the provider organization requesting the information to bear the costs of collecting the information, as provided.

The bill would establish the scope of representation of the certified provider organization, and would require the Governor, through the Department of Human Resources, in consultation with the Superintendent of Public Instruction and other entities, to meet and confer in good faith with the certified provider organization on all matters within that scope of representation. The bill would require the parties to jointly prepare a memorandum of understanding if agreement is reached, which would be binding on all state departments and agencies, and their contractors and subcontractors, that are involved in the administration of state-funded child care programs. The bill would authorize the parties, if, after a reasonable period of time they fail to reach agreement, to agree to submit unresolved issues to the California State Mediation and Conciliation Service for mediation or binding arbitration, and would authorize either party to declare that an impasse has been reached and request the Public Employment Relations Board to appoint a mediator or arbitrator from the service to perform mediation or binding arbitration.

The bill would authorize a certified provider organization to enter into an agreement with the state that provides that the state will require entities that make subsidy payments to providers, including the contractors or subcontractors of state agencies and departments, to deduct membership dues and other voluntary deductions from those subsidy payments. The bill would prohibit provider organizations from calling strikes. The bill would prohibit the state and provider organizations from engaging in specified prohibited behavior with each other and providers.

The bill would require an unspecified entity to perform a study of best practices for engaging families in their children's early care and education in family child care settings, as provided, and would require this entity to report to the Legislature and the Department of Finance on or before January 1, 2017, with its findings and a proposed framework of priorities in which to invest.

The bill would require a certified provider organization and the state to form a Joint Committee on Child Care Training, Education, and Quality Improvement made up of specified individuals. Among other things, the bill would require the committee to identify gaps in the

training available to family child care providers and issue recommendations to improve the quality of care offered by licensed and licensed-exempt family child care providers. The bill would require the provider organization to establish a training program to carry out the recommendations of the committee.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Quality, affordable child care is essential to prepare
4 California's children to succeed in school and in life and to allow
5 families to work and contribute to the state's economy with the
6 assurance that their children are safe, well cared for, and learning.

7 (b) Family child care is the child care setting of choice for many
8 families because of its warm homelike environment, convenience
9 and affordability. The flexibility offered by many family child care
10 providers is particularly vital to low-wage workers who are subject
11 to highly unpredictable work schedules, and to the many California
12 workers who work nontraditional hours and need child care on
13 evenings, overnights, and weekends. Close to 40 percent of licensed
14 family child care homes offer evening, weekend, and overnight
15 care, compared with only 2 percent of centers.

16 (c) Family child care providers are small business owners who
17 contribute significantly to the economies of their communities and
18 the state. As businesses, family child care providers are engines
19 for economic growth, generating 100,000 direct and indirect jobs,
20 three billion five hundred million dollars (\$3,500,000,000) in
21 economic output, and five hundred fifty million dollars
22 (\$550,000,000) in tax revenues. Family child care providers also
23 contribute to the economy by serving as a vital job support for
24 working families.

25 (d) There is a need to improve the quality of child care and to
26 increase stability in the industry that is charged with providing
27 safe and quality care for children in California. Turnover among
28 child care providers is estimated at more than 30 percent per year,
29 more than four times higher than among teachers in the public
30 school system. Losing a caregiver leaves working parents

1 scrambling to find other arrangements and disrupts children's
2 cognitive and social development, putting them at a disadvantage
3 when it is time for them to start school.

4 (e) Experienced child care providers who care for children under
5 California's state-funded child care program are leaving the
6 profession because extremely low reimbursement rates and a lack
7 of access to employment benefits mean they cannot afford to
8 provide for their own families. The state's fragmented, disorganized
9 system for paying child care providers under the state-funded child
10 care program, in which more than 120 different agencies contract
11 with the state to pay child care providers, also contributes to this
12 turnover. Child care providers' pay is often late, reduced, or doesn't
13 arrive at all, and there is a lack of clear authority and redress when
14 problems arise.

15 (f) The supply of quality child care in California is inadequate
16 to meet the demand. Since 2008 the state has seen a decline of
17 almost 26 percent in the number of licensed family child care
18 homes. California lost over 11,000 licensed family child care
19 providers and over 61,000 slots for children in these homes. In
20 2012, there was licensed child care capacity for only 25 percent
21 of children of working parents.

22 (g) In order to address one of the areas of greatest need in the
23 state-funded child care program, to improve developmental and
24 educational outcomes for children in poverty, and to build off the
25 goals of the Local Control Funding Formula, additional slots for
26 California's neediest children must be added.

27 (h) Family child care providers' role in the state's child care
28 program gives them unique insight into how quality, access, and
29 stability could be improved for children and families. For the last
30 several years, child care providers have worked together with the
31 State Department of Education to make improvements to the state's
32 requirements for timeliness of payment and communications with
33 child care providers and families. This progress shows the value
34 that child care provider voices can add. But it also highlights the
35 need for child care providers to have a formal role in
36 decisionmaking on issues that shape the child care system and the
37 way they carry out their profession.

38 (i) To promote higher quality and greater access and stability
39 in the child care system, it is necessary to enact legislation to grant
40 family child care providers the right to choose a representative to

1 negotiate with the state over the operation of the state-funded child
2 care program. Permitting family child care providers a formal
3 voice will allow the state to get input from providers and to
4 maximize its return on its investment in child care, and will allow
5 providers to advocate to improve the quality, access, and stability
6 of care available to California's children and families.

7 (j) The existing system for providing training to child care
8 providers is a patchwork. Training is provided by hundreds of
9 different entities and is challenging to access for large numbers of
10 child care providers. Consistent with the state's focus on the
11 improvement and expansion of workforce development and
12 apprenticeships, a training partnership between the state and a
13 certified provider organization will be able to draw down federal
14 and private funding to add capacity to existing state training
15 resources, from general education classes (GED) and English
16 language learner (ELL) classes to providing support for child care
17 providers who seek to obtain higher education credentials in child
18 development. This training partnership will help build skills,
19 knowledge, and techniques to provide higher-quality early learning
20 for family child care providers as well as center or school-based
21 care providers. Financial incentives, such as rate add-ons for child
22 care providers who obtain additional training or who complete
23 apprenticeship programs, will encourage participation,
24 acknowledge additional skill, and help ensure that child care
25 providers with greater training remain serving at-risk children.

26 (k) Parent engagement is a crucial part of children's success in
27 early care, in school and later in life. Family child care providers'
28 role in the state's child care program gives them unique insight
29 into how quality, access, and stability could be improved for
30 children and families. Many parents choose home-based child care
31 providers due to shared values and culture, close personal
32 relationships, and provider flexibility with erratic work schedules.
33 Accordingly, pursuant to Section 8439 of the Education Code, the
34 _____ shall perform a study of best practices for culturally
35 competent parent engagement in family child care, including in
36 particular engagement of parents who work nontraditional hours.
37 The study shall determine how to most effectively ensure that
38 parents are involved with their children's development and are
39 better able to provide learning and other developmental
40 opportunities for their children at home in a culturally appropriate

1 manner. The goal of the study will be to identify best practices
2 that target low-income families and to propose some options for
3 a California parent engagement program as well as identify possible
4 funding sources for such work.

5 SEC. 2. Article 19.5 (commencing with Section 8430) is added
6 to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education
7 Code, to read:

8
9 Article 19.5. Raising Child Care Quality and Accessibility Act

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11 8430. This article shall be known, and may be cited, as the
12 Raising Child Care Quality and Accessibility Act.

13 8430.5. (a) The purpose of this article is to promote quality,
14 access, and stability in the child care system by increasing the
15 number of child care slots available to California's neediest
16 children; by authorizing an appropriate unit of family child care
17 providers to choose a provider organization to act as their exclusive
18 representative for purposes of the meet and confer process set forth
19 in this article and the administration and enforcement of any
20 resulting memorandum of understanding; by establishing a training
21 partnership between the state and that exclusive representative;
22 and by conducting a study of best practices for parent engagement
23 in home-based early care and education. It is also the purpose of
24 this article to promote full communication between family child
25 care providers and the state by permitting a provider organization
26 certified as the representative of family child care providers to
27 meet and confer with the state regarding the state's child care
28 system.

29 (b) This article does not change family child care providers'
30 status as independent business owners or classify family child care
31 providers as public employees.

32 8431. As used in this article:

33 (a) "Certified provider organization" means a provider
34 organization that is, or provider organizations that jointly are,
35 certified by the Public Employment Relations Board as the
36 exclusive representative of family child care providers in an
37 appropriate unit after a proceeding under Section 8434.

38 (b) "Family child care provider" or "provider" means a child
39 care provider that participates in a state-funded child care program
40 and is either of the following:

1 (1) A family day care home provider, as described in Section
2 1596.78 of the Health and Safety Code, who is licensed pursuant
3 to the requirement in Section 1596.80 of the Health and Safety
4 Code.

5 (2) An individual who meets both of the following criteria:

6 (A) Provides child care in his or her own home or in the home
7 of the child receiving care.

8 (B) Is exempt from licensing requirements pursuant to Section
9 1596.792 of the Health and Safety Code.

10 (c) “Maintenance of checkoff” means an agreement between a
11 provider and a provider organization that the provider’s
12 authorization for the deduction of union dues or their equivalent
13 can only be withdrawn during a designated window period.

14 (d) “Provider organization” means an organization that has all
15 of the following characteristics:

16 (1) Includes family child care providers.

17 (2) Has as one of its main purposes the representation of family
18 child care providers in their relations with public or private entities
19 in California.

20 (3) Is not an entity that contracts with the state or a county to
21 administer or process payments for a state-funded child care
22 program.

23 (e) “Public Employment Relations Board” or “board” means
24 the Public Employment Relations Board established pursuant to
25 Section 3541 of the Government Code. The powers and duties of
26 the board described in Sections 3514.5, 3520.5, and 3541.3 of the
27 Government Code, and the respective implementing regulations,
28 shall apply, as appropriate, to this article to the extent those
29 procedures are not inconsistent with the procedures specified in
30 this article. If a provision of this article is the same or substantially
31 the same as that contained in Chapter 10 (commencing with Section
32 3500), Chapter 10.3 (commencing with Section 3512), or Chapter
33 10.7 (commencing with Section 3540) of Division 4 of Title 1 of
34 the Government Code, it shall be interpreted and applied in
35 accordance with the judicial interpretations of the provision in
36 those statutes.

37 (f) “State-funded child care program” means a program
38 established pursuant to this chapter and administered by the State
39 Department of Education, the State Department of Social Services,
40 or another department, agency, or political subdivision of the state,

1 including programs established subsequent to the passage of this
2 article, to subsidize early learning and care for children.

3 8431.5. The state action antitrust exemption to the application
4 of federal and state antitrust laws is applicable to the activities of
5 family child care providers and their representatives authorized
6 under this article.

7 8432. Family child care providers have the right to form, join,
8 and participate in the activities of provider organizations of their
9 own choosing for the purpose of being represented in all matters
10 specified in this article. Family child care providers have the right
11 to refuse to join or participate in the activities of provider
12 organizations. This article does not change the rights of family
13 child care providers to represent themselves individually in their
14 relations with the state, agencies or departments of the state,
15 contractors of the state, parents, or others.

16 8432.5. Family child care providers are not public employees,
17 and this article does not create an employer-employee relationship
18 between family child care providers and the state or a public or
19 private nonprofit entity for any purpose, including, but not limited
20 to, eligibility for health or retirement benefits or vicarious liability
21 in tort. This article does not alter the status of a family child care
22 provider as a business owner, an employee of a family, or a
23 contractor.

24 8433. This article does not alter the rights of families to select,
25 direct, and terminate the services of family child care providers.

26 8433.5. (a) Within 10 days of receipt of a request from a
27 provider organization, the State Department of Social Services
28 shall make available to that provider organization information
29 regarding family child care providers described in paragraph (1)
30 of subdivision (b) of Section 8431, including each provider's name,
31 home address, mailing address, telephone number, email address,
32 and license number.

33 (b) Within 30 days of receipt of a request from a provider
34 organization, the State Department of Education, with the
35 assistance of the State Department of Social Services and any state
36 department or agency, or its contractor or subcontractor, in
37 possession of the relevant information, shall collect information
38 regarding family child care providers, including each provider's
39 name, home address, mailing address, telephone number, email
40 address, unique provider identification number, if applicable, and

1 shall make that information available to the provider organization.
2 The provider organization shall bear the reasonable costs of
3 collecting the information described in this subdivision to the
4 extent that the state is not already collecting it and is not already
5 required by federal or state law or regulation to collect it.

6 (c) Upon the request of a certified provider organization, the
7 State Department of Social Services and the State Department of
8 Education shall make available to that organization the information
9 specified in subdivisions (a) and (b), updated on a monthly basis.

10 (d) A provider organization under this article shall be considered
11 a day care organization for purposes of subdivisions (b) and (c) of
12 Section 1596.86 of the Health and Safety Code. All confidentiality
13 requirements applicable to recipients of information pursuant to
14 Section 1596.86 of the Health and Safety Code apply to provider
15 organizations and shall apply also to protect the personal
16 information of family child care providers as defined in paragraph
17 (2) of subdivision (b) of Section 8431. Information provided
18 pursuant to this section shall be used only for purposes of
19 organizing and representing family child care providers.

20 8434. (a) An appropriate unit of family child care providers,
21 as described in subdivision (e), may designate, in accordance with
22 the provisions of this article, the provider organization, if any, that
23 shall be its exclusive representative. The board shall certify a
24 provider organization designated by an appropriate unit of family
25 child care providers as the exclusive representative of those
26 providers.

27 (b) Requests for elections, challenges, and competing claims,
28 requests for intervention, and requests for decertification shall be
29 filed with, received by, and acted upon by the board, provided that
30 a valid petition for a certification or decertification election is
31 resolved by a secret ballot election among family child care
32 providers. The board may designate a neutral third party to act on
33 any of the requests filed with the board pursuant to this subdivision.

34 (c) The provider organization that presents a petition requesting
35 certification shall pay the reasonable costs of verifying the number
36 of family child care providers that have designated a provider
37 organization to act as their exclusive representative. The board, or
38 a neutral third party designated by the board to act on a request
39 for certification election, shall consider a document evidencing a
40 family child care provider's support for a provider organization

1 valid if it was signed by the family child care provider within two
2 years of the date it is submitted to the board.

3 (d) All provider organizations placed on the ballot shall share
4 equally the cost of an election.

5 (e) The only appropriate unit shall consist of all family child
6 care providers in the state.

7 (f) A certified provider organization shall represent each
8 provider in the represented unit fairly with respect to matters within
9 the scope of the certified provider organization's role as exclusive
10 representative of the bargaining unit, without discrimination and
11 without regard to whether the provider is a member of the provider
12 organization.

13 8434.5. The scope of representation shall include all of the
14 following:

15 (a) The administration of laws and regulations governing
16 licensing for providers.

17 (b) Joint labor-management committees.

18 (c) Contract grievance arbitration.

19 (d) Expanded access to professional development and training
20 opportunities for providers, including, but not limited to, through
21 the training partnership established pursuant to Section 8439.5,
22 and state contributions to the training partnership.

23 (e) Benefits for providers.

24 (f) Payment procedures for state-funded child care programs.

25 (g) Reimbursement rates, including, but not limited to, rate
26 add-ons for providers who complete additional training, and other
27 economic matters.

28 (h) Expanded access to food and nutrition programs.

29 (i) The deduction of membership dues and other voluntary
30 deductions authorized by individual family child care providers,
31 including, but not limited to, honoring maintenance of checkoff
32 agreements, and allocation of the costs of implementing such a
33 deduction system.

34 (j) Expanded access to the state-funded child care program to
35 families in need of subsidies.

36 (k) Any changes to current practice other than those listed in
37 subdivisions (a) to (j), inclusive, that would do any of the
38 following:

39 (1) Improve recruitment and retention of qualified providers.

40 (2) Improve the quality of the programs.

1 (3) Encourage qualified providers to seek additional education
2 and training.

3 (4) Promote the health and safety of providers and the children
4 in their care.

5 8435. (a) The Governor, through the Department of Human
6 Resources, in consultation with the Superintendent, other state
7 agencies that administer programs of publicly funded child care,
8 and their contractors, as needed, shall meet and confer in good
9 faith regarding all matters within the scope of representation with
10 representatives of a certified provider organization and, before
11 arriving at a determination of policy or course of action, shall
12 consider fully the presentations made by the certified provider
13 organization on behalf of the providers it represents.

14 (b) As used in this section, “meet and confer in good faith”
15 means that the Governor, through the Department of Human
16 Resources, and representatives of the certified provider
17 organization shall have the mutual obligation to meet and confer
18 promptly upon request by either party and continue for a reasonable
19 period of time in order to exchange freely information, opinions,
20 and proposals. The duty to meet and confer in good faith also
21 requires the parties to begin negotiations sufficiently in advance
22 of the adoption of the state’s final budget for the ensuing fiscal
23 year so that there is adequate time for agreement to be reached
24 before the adoption of the final budget and for the resolution of
25 an impasse.

26 8435.5. (a) If agreement is reached between the Governor,
27 through the Department of Human Resources, and the certified
28 provider organization, they jointly shall prepare a written
29 memorandum of understanding. Any portions of the memorandum
30 of understanding requiring appropriation by the Legislature or
31 statutory or regulatory revisions shall be subject to legislative
32 approval of those appropriations or statutory or regulatory
33 revisions.

34 (b) A memorandum of understanding between the Governor,
35 through the Department of Human Resources, and the certified
36 provider organization is binding on all state departments and
37 agencies that are involved in the administration of the state-funded
38 child care program, and the relevant contractors or subcontractors
39 of those departments and agencies.

1 (c) An agreement pursuant to this section may provide for
2 binding arbitration of grievances concerning the interpretation,
3 application, or violation of the agreement.

4 (d) This article does not alter the requirements governing the
5 child care reimbursement system that are set forth in Section 8222.

6 8436. (a) A certified provider organization shall have the right
7 to enter into an agreement with the state that provides that the state
8 will require entities that make subsidy payments to providers,
9 including the contractors or subcontractors of state agencies and
10 departments, to deduct membership dues and other voluntary
11 deductions from those subsidy payments.

12 (b) If the deduction of membership dues or other voluntary
13 deductions for a provider requires action by more than one agency,
14 department, contractor, or subcontractor, the certified provider
15 organization shall establish procedures to ensure both of the
16 following:

17 (1) The total amount deducted does not exceed the total dues
18 and other voluntary deductions owed by that provider.

19 (2) The administrative procedures for deducting dues and other
20 voluntary deductions are reasonable.

21 (c) The state, its agencies and departments, and their contractors
22 and subcontractors shall not be liable in any action by a provider
23 seeking recovery of, or damage for, improper calculation or use
24 of dues or other voluntary deductions.

25 8436.5. (a) It is unlawful for the state, including its agencies,
26 boards, commissions, departments, public benefit corporations,
27 political subdivisions, contractors, subcontractors, or employees,
28 to do to providers or provider organizations any of the things made
29 unlawful under Section 3519 of the Government Code.

30 (b) It shall be unlawful for a provider organization to do to the
31 state or to providers any of the things made unlawful under Section
32 3519.5 of the Government Code.

33 (c) For purposes of subdivisions (a) and (b), the references in
34 subdivision (e) of Section 3519 of, and subdivision (d) of Section
35 3519.5 of, the Government Code to “the mediation procedure set
36 forth in Section 3518” shall be deemed to refer to the impasse
37 procedures set forth in Section 8437.5.

38 (d) The initial determination as to whether charges of unfair
39 practices are justified and, if so, what remedy is necessary to

1 effectuate the purposes of this article shall be a matter within the
2 exclusive jurisdiction of the board.

3 8437. A provider organization shall not direct or call a strike.

4 8437.5. If after a reasonable period of time the parties fail to
5 reach agreement, the parties may agree to submit unresolved issues
6 to the California State Mediation and Conciliation Service
7 established by the Department of Industrial Relations for mediation
8 or binding arbitration, or either party may declare that an impasse
9 has been reached and request the board to appoint a mediator or
10 an arbitrator from the California State Mediation and Conciliation
11 Service to perform mediation or binding arbitration. A
12 memorandum of understanding reached by means of mediation or
13 arbitration is subject to appropriation by the Legislature and
14 necessary statutory and regulatory revisions.

15 8438. If orientations are held for providers by the state or any
16 department, contractor, agency, or political subdivision of the state,
17 a certified provider organization shall be permitted to make a brief
18 presentation about the organization and its activities, its
19 negotiations and memorandum of understanding, and membership
20 at the orientation.

21 8438.5. It is the intent of the Legislature to create ____
22 additional slots in alternative payment voucher programs for
23 children living in extreme poverty, defined as 50 percent of the
24 federal poverty level, pending approval through the annual budget
25 process.

26 8439. (a) The ____ shall perform a study of best practices for
27 engaging families in their children's early care and education in
28 family child care settings, and of federal and other funding streams
29 that could support this work without reducing the availability and
30 affordability of child care in California, and shall report to the
31 Legislature and the Department of Finance, on or before January
32 1, 2017, with its findings and a proposed framework of priorities
33 in which to invest. In performing the study, the ____ shall consult
34 with stakeholders, including the Department of Social Services,
35 First 5 California, and organizations that represent parents with
36 young children, particularly lowerincome and
37 non-English-speaking families, to consider how best to engage
38 and support those families in a culturally competent manner.

1 (b) (1) A report submitted to the Legislature pursuant to this
2 section shall be submitted in compliance with Section 9795 of the
3 Government Code.

4 (2) The requirement for submitting a report pursuant to this
5 section shall become inoperative on January 1, 2021, pursuant to
6 Section 10231.5 of the Government Code.

7 8439.5. (a) If a provider organization is certified pursuant to
8 Section 8434, the state and the certified provider organization shall
9 establish a training partnership that will consist of a Joint
10 Committee on Child Care Training, Education, and Quality
11 Improvement, made up of representatives of the certified provider
12 organization and designees of the Governor. The provider
13 organization shall establish a training program that shall carry out
14 the recommendations of the committee.

15 (b) The committee shall meet to identify gaps in the training
16 available to family child care providers and issue recommendations
17 to improve the quality of care offered by licensed and
18 licensed-exempt family child care providers.

19 (c) The committee shall play a coordinating role in ensuring
20 that the training offered to providers through the training program
21 meets the state's needs for the child care workforce; satisfies the
22 health, safety, and educational standards prescribed by the state;
23 aligns with the state's quality rating systems; and identifies and
24 works to eliminate barriers to providers accessing training.

25 (d) The committee's recommendations may include, but are not
26 limited to: ways to access federal and private funding for training
27 to expand capacity to existing state training resources, such as
28 general education classes and English language learner classes;
29 ways to support providers who seek to obtain higher education
30 credentials in child development; ways for the training program
31 to work with existing training providers and educational
32 institutions, including, but not limited to, resource and referral
33 networks, community colleges, and apprenticeship programs; and
34 ways for the training program to make training and education
35 available to child care and other workers employed by child care
36 centers and schools.

37 (e) It is the intent of the Legislature to allocate funds in the
38 Budget Act of 2015, in the amount of one million dollars
39 (\$1,000,000), to carry out the initial recommendations of the
40 committee. It is the intent of the Legislature, that in subsequent

1 years, the recommendations of the committee shall be funded by
2 contributions agreed to for that purpose in the memorandum of
3 understanding between the provider organization and the Governor,
4 through the Department of Human Resources, as specified in
5 Section 8435.5.

O